

emergency and providing the Act shall take effect from and after its passage."

Referred to Committee on Highways and Motor Traffic.

#### Adjournment

Senator Lemens moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Hill moved that the Senate recess to 2:00 o'clock p. m. today.

Question first recurring on the motion to adjourn, it prevailed; and the Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

### THIRTY-FIRST DAY

(Tuesday, March 7, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Lanning and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Reports of Standing Committees

Senator Beck submitted the following report of the Committee on Commerce and Manufactures:

Austin, Texas,  
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Commerce and Manufactures, to whom was referred

S. B. No. 40, A bill to be entitled "An Act to protect trade mark owners, the distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade mark, brand or name, and to facilitate fair trade, defining certain terms and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BECK, Chairman.

Senator Nelson submitted the following report of the Committee on Judicial Districts:

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 341, A bill to be entitled "An Act fixing the time of holding court in the several counties constituting the Fifty-first Judicial District of Texas, and fixing the time of holding Court in the several counties constituting the One Hundred and Nineteenth Judicial District of Texas; fixing the effective date of this Act; repealing all laws in conflict herewith; providing that nothing herein shall be construed as affecting the time of holding court in the several counties of said Judicial Districts between the date of the passage of this Act and the date it shall become effective; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Senator Metcalfe submitted the following report of the Committee on Counties and County Boundaries:

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 287, A bill to be entitled "An Act amending Chapter 30 of the Local and Special Laws of the Thirty-fifth Legislature of Texas, Regular Session, as amended by Chapter 471 of the Local and Special Laws of the First Called Session of the Thirty-ninth Legislature of Texas, by adding thereto Sections 13b and 13c so as to provide for the funding of certain outstanding road and bridge obligations of McCulloch County, Texas, not to exceed a total principal amount of Sixty-nine Thousand (\$69,000.00) Dollars; validating, ratifying and confirming such outstanding obligations and said refunding bonds; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Kelley:

S. B. No. 294, A bill to be entitled "An Act to amend the Texas Citrus Marketing Act, being an Act passed by the Forty-fifth Legislature at its Regular Session, 1937, being Chapter 362, page 724, of the General Laws of said session, by adding thereto a new subdivision numbered four under Section Seven of said Act, providing for the control of the volume of shipments of citrus fruit and for the more orderly marketing of said citrus fruit grown in the area defined in said Texas Citrus Marketing Act by authorizing the fixing of a minimum price on citrus fruit at or on the tree and that might or may move in intrastate commerce, and providing that such minimum price shall be based upon cost of production, the amount of citrus fruit of grades and sizes authorized to be marketed and that may be marketed, the length of the season and the consumers' demand

so that such minimum price shall be based upon such costs of production with reasonable profit and at the same time fair as to price to the consuming public, and declaring an emergency."

Referred to Committee on Agriculture.

By Senator Van Zandt:

S. B. No. 295, A bill to be entitled "An Act to amend Article 538 of the Revised Civil Statutes so as to provide banking services and facilities to areas not having such service; providing certain restrictions; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Banking.

By Senator Cotten (by request):

S. B. No. 296, A bill to be entitled "An Act amending Section 3, Article 8306, Part I, Title 130, Revised Civil Statutes of 1925, by providing that where the insurance carrier becomes insolvent or financially unable to discharge its obligations under the provisions of the Act, that such employer shall be substituted for said insurer and pay the benefits provided by this Act."

Referred to Committee on Insurance.

By Senator Cotten:

S. B. No. 297, A bill to be entitled "An Act regulating the execution by teachers and school employees, of assignments of salaries or wages, or any interest therein, as security for indebtedness, defining teachers and school employees, within the terms of this Act, and providing that all assignments of salary or wages or any part thereof or interest therein not executed in accordance with the provisions of this Act shall be invalid and unenforceable."

Referred to Committee on State Affairs.

By Senator Small:

S. B. No. 298, A bill to be entitled "An Act setting out the authority of the Texas State Parks Board in all matters pertaining to land titles and interests, authorizing the acceptance, rejection, or reconveyance of park sites, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Stone of Galveston:

S. B. No. 299, A bill to be entitled "An Act approving the Quintana State Park offered by the citizens of Brazoria County, and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

By Senator Aikin:

S. B. No. 300, A bill to be entitled "An Act to amend Article 2832 of the Revised Civil Statutes of Texas, 1925, as amended, by adding thereto Article 2832c, providing that if the Board of Trustees of any school district elects to accept from its treasurer a deposit of approved securities in lieu of a surety bond, and the treasurer of such school district is a banking institution, then such banking institution may pledge its assets and securities as collateral security for all deposits of the school district; repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Aikin:

S. B. No. 301, A bill to be entitled "An Act to amend Sections 18 and 19 of Chap. 206, Acts 1931, Forty-Second Legislature, relating to budgets of independent school districts."

Referred to Committee on State Affairs.

By Senator Spears:

S. B. No. 302, A bill to be entitled "An Act to amend the law relating to juveniles, Title 82, Revised Civil Statutes, 1925, by adding thereto another paragraph or section to be known as Article 5139B, providing that the judges of the several district courts and criminal district courts, the judges of the county courts at law, and the county judge, in any county of this State having a population of not less than 290,000 nor more than 320,000 according to the last preceding Federal census, or any county which may hereafter have such population, shall constitute a juvenile board for such county; providing for the compensation, and the payment thereof, of the judges of the county courts at law and the county judge, as members of such board, and prescribing their powers and duties; providing that the salaries of the judges of the several district courts

and criminal district courts, as members of such board, shall remain as provided by law; providing that all laws and parts of laws in conflict with this Act are repealed; and declaring an emergency."

Referred to Committee on Judicial Districts.

By Senator Spears:

S. B. No. 303, A bill to be entitled "An Act creating a Conservation and Reclamation District composed of Kerr County, to be known as the Upper Guadalupe River Authority, pursuant to and for the purposes set forth in Section 59-a of Article 16 of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by General Law upon districts created pursuant to said Section 59-a, except as expressly limited, conferring certain powers thereon, including power of control, storage, preservation, use and distribution of the waters of the Guadalupe River and its tributaries; to acquire property by condemnation or otherwise; to construct, maintain, use and operate facilities; to make contracts, to borrow money; to create and issue its negotiable revenue bonds for cash, property or refunding purposes on stated terms and conditions, and in connection therewith to pledge all or any part of its revenues, vesting the powers of the District in a Board of Directors and prescribing the manner of their appointment and their duties; providing for the appointment of officers, agents and employees; providing for the fiscal management of the District; preserving existing water rights to the extent provided; prescribing all necessary details to carry out the intent and purpose of this Act; making an appropriation of Seven Thousand Five Hundred (\$7,500.00) Dollars to the District; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

Referred to Committee on Finance.

By Senator Nelson:

S. B. No. 304, A bill to be entitled "An Act to amend Article 1344 of the Revised Civil Statutes, 1925, by providing for the exemption from the provisions of same corporations operating or hereafter to operate under Chapter 40, page 77, Acts of Regular Session of Forty-first Legislature, and having on deposit with the State Treasurer or other approved depository \$100,000.00 as provided in Section 6 of said Act, and declaring an emergency."

Referred to Committee on Banking.

#### Senate Joint Resolution 13 on First Reading

The following joint resolution was introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senator Metcalfe:

S. J. R. No. 13, A joint resolution proposing an amendment to Article VIII of the Constitution of the State of Texas by adopting a new section to be known as Section 7-a: providing that all revenues, in excess of the cost of collection, accruing to the State from charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels shall be used exclusively for the construction and maintenance of public highways, including supervision of traffic thereon and payment of interest and principal on certain obligations; prohibiting the diversion of such revenues to any other purpose whatsoever; providing that nothing herein shall limit the authority of the Legislature to apportion to the State Available Free School Fund not to exceed one-fourth (1/4) of any charge of tax with respect to the sale or consumption of motor vehicle fuels; providing for proclamation, publication and election and appropriating the necessary funds therefor.

#### Reports of Standing Committees

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 272, A bill to be entitled "An Act providing that it shall be unlawful to kill wild turkey in the Counties of Madison and Houston for a period of five years from and after passage of this Act; repealing all conflicting laws; providing a suitable penalty, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senator Aikin, by unanimous consent, submitted at this time the following reports of the Committee on Education:

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 182, A bill to be entitled "An Act amending Article 2870 of the Revised Civil Statutes of Texas of 1925; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 183, A bill to be entitled "An Act amending Article 2673 of the Revised Civil Statutes of Texas of 1925 as amended by Chapter 278, Acts of the Regular Session of the Forty-first Legislature; repealing all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 92, A bill to be entitled "An Act amending Article 2618 of the Revised Civil Statutes of Texas of 1925 changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said college; and amending Article 2620 of the Revised Civil Statutes of 1925 changing the name of North Texas Junior Agricultural Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Pace, by unanimous consent, submitted at this time the following reports of the Committee on Mining, Irrigation and Drainage:

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 52, A bill to be entitled "An Act amending Article 7047b of the Revised Civil Statutes of 1925, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 51, A bill to be entitled "An Act amending Article 7057a, of the Revised Civil Statutes of 1925 and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 50, A bill to be entitled "An Act amending Article 7057a of the Revised Civil Statutes of 1925, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 212, A bill to be entitled "An Act creating the Lower Concho River Water and Soil Conservation Authority as a body politic and corporate, defining its boundaries, specifying its powers and duties, providing for its officers and amount and manner of compensating the same, and their duties and powers; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute therefor do pass and be mimeographed.

PACE, Chairman.

Senator Roberts, by unanimous consent, submitted at this time the following reports of the Committee on Finance:

Austin, Texas,  
February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. C. R. No. 4, Providing for a Joint Legislative Inaugural Committee,

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Austin, Texas,  
February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 266, A bill to be entitled "An Act making an appropriation for the use of the Guadalupe-Blanco River Authority, providing that it shall be repaid to the State of Texas; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,  
February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 242, A bill to be entitled "An Act making an appropriation for the 'Upper Red River Flood Control and Irrigation District'; designating who shall have authority to execute vouchers; limiting the purposes for which the money may be spent; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached committee amendment and be printed.

ROBERTS, Chairman.

Austin, Texas,  
February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 9, A bill to be entitled "An Act providing that there shall hereafter be paid out of the revenue of this State, on the last day of each month, to each actual bona fide citizen of this State over the age of sixty-five years the sum of Fifteen (\$15.00) Dollars per month as old age assistance, providing that no habitual criminal, and no habitual drunkard, while such habitual drunkard, and no inmate of any State supported institution, while such inmate, shall be eligible for such old age assistance; providing that the length of time of actual residence in Texas shall never be less than five years during the nine years immediately preceding the application for old age assistance and continuously for one year immediately preceding such application; providing that the officers charged with the administration of this Act shall receive from the Government of the United States financial aid for old age assistance; and that they shall pay out such old age assistance received from the Government of the United States to those persons in need as provided herein and all such funds shall be kept and disbursed separately; providing that the County Commissioners' Court of the respective counties and the State Comptroller shall administer this Act; providing the method and procedure by which applicants may qualify for and obtain such old age assistance; defining the duties of the Commissioners' Court, and of the County Clerk and the Attorney General and the Comptroller in connection with the administration of this Act; giving the right of appeal; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with recommendation that the bill do not pass but that the Committee Substitute herewith attached do pass in lieu of the original bill and be mimeographed.

ROBERTS, Chairman.

Address of Lieutenant Governor Stevenson

On motion of Senator Stone of Washington, and by unanimous consent, the following address of Lieutenant Governor Coke R. Stevenson, delivered at Washington-on-the-Brazos on March 2, 1939, was ordered printed in the Journal:

"Great events have always challenged the admiration of a people most favorably affected by them.

"This is well, because when the beneficiaries of outstanding achievements cease to remember and respect the benefactors then they become unworthy of the heritage bequeathed to them.

"This eventful occasion is evidence that Texas people have not ceased to venerate the memory of those who trod the field of action here, on this sacred spot, 103 years ago today.

"I have always admired the work of an artist, whether it be the product of a painter's brush or the skillful use of the camera's shutter. The most beautiful pictures are the product of a momentary flash of light. The problem of photography has been the development of some process by which that fleeting glimpse could be preserved. The image reflected on a sensitized plate by a ray of light must be made into a permanent picture.

"Likewise some of the most notable incidents of history have been of short duration—a flash of genius, an impulse of patriotism, an exhibition of divine inspiration. The image reflected by that unusual action, however, has been preserved and the result is a beautiful picture which hangs in the gallery of memories. Many of these intensive periods of action have produced tremendous consequences. Some have changed the course of empire, some have affected the destiny of a whole people, some have profoundly influenced the lives of individuals.

"Moses was not long in the burning bush, yet he gave to the world the Ten Commandments. Paul was not long on the road to Damascus, yet his experiences have inspired the hearts of men for nineteen centuries. Christ stood before Pilate for only an hour, but all the Pilates of the world have stood before Christ ever since. Lincoln stood before the slave block in New Orleans for only a moment, but that moment burst the fetters from a million slaves and changed the fabric of a nation.

"In like manner may we characterize the events of March 2nd, 1836. It was a period of short duration, like a flash of eternal light, but the occasion has become immortal. The image was impressed on the film of time and has become permanent as a picture of patriotism.

"A convention of 58 delegates gave to posterity one of the liberty documents of the world. It is known as a declaration of independence. Its effect, however, was to wrest a colony of depressed people from the tyrannical rule of a dictator and transform them into stalwart citizens of a free republic.

"The reason which impelled this action by the delegates assembled on this historic ground is found in the fact that the dictator had destroyed constitutional government. He had usurped the powers of the legislative and the judicial branches of the government. He had destroyed freedom of speech, freedom of the press and the freedom of worshipping Almighty God. He had destroyed the right of trial by jury, declared by these 58 delegates to be 'the palladium of civil liberty and the old safe guarantee for the life, liberty and property of the citizens.'

"The love of life, liberty and the right to own property is inherent in the blood of the Anglo-Saxon race and the suppression of these virtues by a dictator was a challenge to the liberty-loving instincts of our forefathers. They accepted the challenge, and on this spot, one hundred and three years ago, laid down the political doctrine that the people of Texas would never be ground under the heel of a tyrant, no matter what the cost.

"The sixty days which followed the declaration are the most colorful which adorn the pages of history. The Alamo became the American synonym for heroic sacrifice on the altar of freedom. Goliad became the tragedy of broken covenants in the English speaking world. San Jacinto became enshrined in the hearts of all Texans as the noblest example of bravery on the battlefield. It is the greatest triumph on American soil in the cause of freedom, and it struck terror to the hearts of all dictators for an ensuing century.

"All of these stirring events occurred within a period of two months following the declaration on March 2, 1836. They have been the theme of discussion in every home, school, church, city, town and village in the land. They deserve this evidence of our reverence and respect.

"Let me suggest as a thought worthy of remembrance, however, that when we deplore the massacre at Goliad and the violent waste of blood

at the Alamo, we should never forget that both were the result of a dictatorship. When any ruler usurps the powers of constitutional government and violates the rights and consciences of his people, then their lives are no longer safe at his hands. Any power which will voluntarily destroy conscience and character will have no horror at the destruction of life.

"When the convention of 58 truthfully charged the Napoleon of the West with having broken his covenants with the colonists, is there any wonder that the terms of the treaty with Fannin were so murderously violated?

"The progress of our State in the past 103 years has won the admiration of the world. It has in every respect justified the hopes and aspirations of our patriotic forefathers who declared it free and independent.

"We are reminded, however, that with all our progress no new element in government has been discovered. The fundamentals remain the same. The best assurance we have of perpetuating the blessings which our independence secured for us is to continue to cherish the sacred principles and the ancient landmarks of constitutional government."

#### Senate Resolution 31

Senator Hill offered the following resolution:

Whereas, Through the courtesy of the Verhalen Nursery Company of Scottsville, Harrison County, Texas, composed of Messrs. S. J., G. F. and R. P. Verhalen, the Senate is today decorated with a gift of beautiful yellow jonquils, and

Whereas, The Verhalen Nursery Company has for many years been outstanding in the development of the nursery business in East Texas, and has been one of the outstanding firms engaged in horticulture and floriculture in the South, and has contributed greatly to the beauty and economy of their section, now, therefore, in appreciation of this courtesy, be it

Resolved by the Senate of Texas, That the Secretary thereof be directed to acknowledge with thanks this courtesy of Verhalen Brothers, and extend to them the best wishes of this body for their success and continued progress in their commend-

able enterprise, and that a copy of this resolution be forwarded to them.

HILL,  
PACE.

The resolution was read; and on motion of Senator Hill and by unanimous consent, it was considered at this time and was adopted.

#### Senate Resolution 32

Senator Roberts offered the following resolution:

Resolved by the Senate of the Forty-sixth Legislature of the State of Texas, That a Committee of three (3) Senators be appointed to investigate and make a report back to this Senate, like or similar to the one found on page 821 of the Permanent Senate Journals of the Regular Session of the Forty-third Legislature, relative to the customary block picture of the Senate of the Forty-sixth Legislature.

ROBERTS,  
BECK,  
GRAVES.

The resolution was read; and on motion of Senator Roberts and by unanimous consent, it was considered at this time and was adopted.

#### Senate Concurrent Resolution 16

Senator Roberts offered the following resolution:

"Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Jackson County, and

Whereas, The Ganado Independent School District of Jackson County anticipates a large number of people attending County School meets to be held in the early summer of this year, and

Whereas, It will be necessary and important to said school district to fence the grounds where said meet will be held, and

Whereas, It would be a great accommodation to said school district if the State Highway Department were permitted to loan said district the discarded wire hereinabove mentioned for the purpose of fencing the grounds, now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the school board of Ganado Independent School District sufficient



quantities of the discarded wire hereinabove mentioned for the purposes as hereinbefore set out, said school board to return wire upon request of the State Highway Department, and it is so resolved.

The resolution was read; and on motion of Senator Roberts and by unanimous consent, it was considered at this time and was adopted.

#### Bills Re-referred

On motion of Senator Metcalfe and by unanimous consent, S. B. No. 99 was re-referred from the Committee on Mining, Irrigation and Drainage to the Committee on State Affairs.

On motion of Senator Spears and by unanimous consent, S. B. No. 176 was re-referred from the Committee on Mining, Irrigation and Drainage to the Committee on State Affairs.

#### Report of Standing Committee

Senator Sulak, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 280, A bill to be entitled "An Act validating certain outstanding road and bridge time warrants of Fayette County, Texas, heretofore issued to provide funds to aid in the construction of Highway No. 20 in road district No. 3 of said county, and Fayette County bridge warrants heretofore issued for the purpose of aiding in constructing a bridge across the Colorado River on Highway No. 72, and authorizing the Commissioners' Court of Fayette County to fund or refund into coupon road and bridge funding or refunding bonds of said County, said time warrants to the amount of Thirty-one Thousand Two Hundred (\$31,200.00) Dollars; providing for the approval of said bonds by the Attorney General and their registration by the State Comptroller; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be not printed.

HARDIN, Chairman.

#### Senate Bill 280 on Second Reading

On motion of Senator Sulak and by unanimous consent, Senate rule 48 was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 280 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 280, A bill to be entitled "An Act validating certain outstanding road and bridge time warrants of Fayette County, Texas, heretofore issued to provide funds to aid in the construction of Highway No. 20 in Road District No. 3 of said County, and Fayette County Bridge Warrants heretofore issued for the purpose of aiding in constructing a bridge across the Colorado River on Highway No. 72, and authorizing the Commissioners' Court of Fayette County to fund or refund into coupon road and bridge funding or refunding bonds of said County, said time warrants to the amount of \$31,200.00; providing for the approval of said bonds by the Attorney General, and their registration by the State Comptroller; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 280 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 280 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Lemens
Beck	Metcalfe
Brownlee	Moflett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston

Stone of Washington Sulak	Van Zandt Weinert Winfield
---------------------------------	----------------------------------

Absent

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the conference committee report on H. B. No. 631 by a vote of 115 ayes and 0 noes.

The House has passed the following bill:

H. B. No. 11, A bill to be entitled "An Act appropriating the sum of One Million Ninety-five Thousand (\$1,095,000) Dollars as a supplement to the equalization appropriation for the biennium as passed by the Forty-fifth Legislature provided no school shall benefit hereunder that has paid its public funds to any person for securing legislative aid; providing the funds herein appropriated are to be expended in accordance with the provisions of this Act; providing the funds herein appro-

priated are to be prorated on percentage basis to those schools having had payments made on a percentage basis, to make the grants of teacher's salaries, of high school tuition, and of transportation, and of vocational aid, each as nearly as possible one hundred (100%) per cent; providing no school shall receive reimbursement which was not approved by payment at the end of the 1937-38 fiscal year; providing a penalty for violating the provisions of this Act; setting aside the sum of Nine Hundred and Fifty-five Thousand (\$955,000.00) Dollars for salary aid. One Hundred and Five Thousand (\$105,000.00) Dollars for transportation, Thirty-five Thousand (\$35,000.00) Dollars for high school tuition, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 11, to Committee on Finance.

#### House Bill 272 on Second Reading

On motion of Senator Burns and by unanimous consent, Senate Rule 43 was suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 272 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 272, A bill to be entitled "An Act providing that it shall be unlawful to kill wild turkey in the Counties of Madison, Houston, Walker, San Jacinto and Grimes for a period of five years from and after passage of this Act; repealing all conflicting laws; providing a suitable penalty, and declaring an emergency."

The bill was read second time.

Senator Weinert offered the following:

Amend H. B. No. 272 by adding the word "Guadalupe" after the word "Houston," wherever such word appears in the bill and caption.

The amendment was adopted.

The bill was passed to third reading.

### House Bill 272 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 272 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

### Senate Bill 172 on Second Reading

Senator Small moved that the rule relative to the consideration of bills during the first 60 days of the Regu-

lar Session of the Legislature be suspended and that S. B. No. 172 be considered at this time.

The motion prevailed by the following vote:

Yeas—27

Beck	Moffett
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Weinert
Martin	Winfield
Metcalfe	

Nays—2

Aikin                      Moore

Absent

Sulak                      Van Zandt

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 172, A bill to be entitled "An Act providing a more expeditious method of assessing and collecting taxes due cities, towns and independent school districts; the preparation of lists, abstracts and other data necessary to effect such collections; authorizing the governing bodies of cities, towns and independent school districts to employ attorneys to collect such taxes for a per cent of the taxes, penalty and interest collected; making available to all cities, towns, and independent school districts, when invoked, all the provisions of Titles 28 and 122, Revised Civil Statutes of Texas of 1925, pertaining to the assessment and collection of taxes for other taxing units; providing that the provisions of this Act shall be cumulative of, and in addition to, all rights and remedies to which any of the taxing units affected hereby are now entitled, repealing all laws in conflict herewith, providing a rule of construction and declaring an emergency."

The bill was read second time.

On motion of Senator Small, the bill was tabled subject to call.

### Senate Bills and Joint Resolutions on First Reading

By unanimous consent, the following bills and joint resolutions were introduced, read severally first time, and referred to the committees indicated:

By Senator Shivers:

S. B. No. 305, A bill to be entitled "An Act making an appropriation of Nine Thousand Five Hundred (\$9,500.00) Dollars to be used by the Attorney General of Texas for the purpose of paying expenses and costs in enforcing the laws of Texas against trusts, monopolies, and restraints of trade, including the pending suit against various cement manufacturers, providing for the approval of vouchers against said appropriation, and declaring an emergency."

Referred to Committee on Finance.

By Senator Small:

S. B. No. 306, A bill to be entitled "An Act, to repeal H. B. No. 571, Regular Session, Forty-fourth Legislature, regulating fishing in Dallam and other counties in the Panhandle region of this State.

Referred to Committee on State Affairs.

By Senators Pace and Spears:

S. J. R. No. 14, Proposing an amendment to the Constitution of the State of Texas, the purpose of which is to abolish the offices of justice of the peace and constable as constitutional offices and to confer jurisdiction now exercised by justices of the peace and justice courts to the county courts and/or district courts under certain circumstances, and to require, in counties having a population of ten thousand (10,000) or more, county judges to be licensed attorneys.

Referred to Committee on Constitutional amendments.

By Senators Pace and Spears:

S. J. R. No. 15, Proposing amendments to the Constitution of the State of Texas so as to eliminate the requirement of electing justices of the peace and constables and so as to eliminate the offices of justices of the peace and constables as constitutional officers, and to require county judges to be licensed attorneys in counties of ten thousand population or more, according to the last preceding Federal Census, all of which is sought

to be accomplished by striking from Section 1 of Article 5 of the Constitution of Texas the words, "in courts of justices of the peace," and by amending Section 18 of Article 5 of the Constitution of Texas so as to strike from said section the words, "in each such precinct there shall be elected, at each biennial election, one justice of the peace and one constable," and the words, "provided, that in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two justices of the peace," and transferring such jurisdiction as is now conferred on the justice courts to the county and/or district courts under certain circumstances, and repealing Section 19 of Article 5 of the Constitution of Texas which confers jurisdiction to justice courts in civil and criminal matters and which confers upon justices of the peace ex officio powers as notaries public.

Referred to Committee on Constitutional Amendments.

### Senate Bill 150 on Passage to Engrossment

(Special Order)

The President laid before the Senate, on its passage to engrossment (the bill having been read second time on March 1, 1939, and its further consideration having been on yesterday set as a special order for this hour):

S. B. No. 150, A bill to be entitled "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-second Legislature, same being House Bill No. 768; creating and providing a uniform budget system for the State, etc., and declaring an emergency."

With amendment by Senator Moffett, striking out all after the enacting clause and inserting in lieu thereof the text of a complete bill, pending.

Senator Metcalfe offered the following amendment to the amendment:

Amend the amendment to S. B. No. 150, page 1 thereof, by striking out Section 1 and inserting in lieu thereof the following:

Section 1. The Governor shall be the chief budget officer of the State. His functions and duties shall be those provided in this Act as to the

State's budget and funds, and it is the intention that the Governor shall have no functions or control over the budgets and funds of counties, cities and other local political subdivisions. The heads and employees of State departments, institutions, schools and other agencies of the State Government shall cooperate with the State budget officers and employees in the preparation of budget recommendations and budget functions concerning their governmental agencies.

Section 1a. A "Director of the Budget" is hereby provided, who shall be a person of unusual competence, possessing a keen insight into governmental problems and having a thorough acquaintance with the work and functions of the government. He shall be appointed by the State Board of Control for a period of six years, it being the intention of the Legislature to assure a continuity of experienced and competent service by permitting a reasonable tenure in office; provided, however, that the term of office of the first Director of the Budget appointed hereunder shall begin on September 1, 1939. Such Director of the Budget shall hold office until his successor is duly appointed and qualified. The Director of the Budget shall receive a salary as fixed by the Legislature in the biennial appropriation acts of not exceeding Six Thousand (\$6,000.00) Dollars per annum. At least one person selected on the budget staff hereafter provided may be a certified public accountant or a graduate in business administration with at least eighteen semester credit hours in accounting from a recognized standard university or college, and not less than four years actual experience in accounting or auditing. The words "Budget Director" wherever used in this Act shall refer to and mean the "Director of the Budget." The appointment of the "Budget Director" shall be made with the advice and consent of the Senate.

Senator Moore moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Beck	Martin
Brownlee	Moffett
Kelley	Moore
Lanning	Pace

Redditt  
Roberts  
Shivers  
Small

Stone  
of Washington  
Van Zandt  
Weinert  
Winfield

Nays—15

Aikin  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Hill

Isbell  
Lemens  
Metcalf  
Nelson  
Spears  
Stone  
of Galveston  
Sulak

Question—Shall the amendment by Senator Moffett be adopted?

Bills Signed

The President signed in the presence of the Senate after their captions had been read, the following enrolled bills:

S. B. No. 96, "An Act amending Article 2350 of the Revised Statutes of the State of Texas, providing for the compensation of County Commissioners in any County where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000 and not exceeding \$25,000,000 according to the last approved tax roll and with a total area of less than 950 square miles and not exceeding an area of 980 square miles, and declaring an emergency."

H. B. No. 631, "An Act regulating the taking, catching and possessing of sand bass fish in the fresh waters of Denton County, Texas; providing that there shall be no closed season for the taking and catching of such fish; prescribing the bag limit and length limit thereof; regulating the kind of bait which may be used for the catching of such fish during certain months; prescribing penalties for any violation hereof; and defining the intent of this law, and declaring an emergency."

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following resolution:

H. C. R. No. 54. Authorizing the State Highway Department of Texas to loan to the Ganado Independent School District certain discarded wire for fencing purposes.

Respectfully submitted,  
E. R. LINDLEY, Chief Clerk,  
House of Representatives.

#### Reports of Standing Committees

Senator Stone of Washington, by unanimous consent, submitted at this time the following reports of the Committee on Public Health:

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 200 by Graves, A bill to be entitled "An Act defining bedding to include mattresses, pillows, bolsters, feather beds, etc.; requiring the labelling of bedding as to whether new or secondhand materials are used,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

Respectfully,  
STONE of Washington,  
Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 127 by Head, A bill to be entitled "An Act to provide for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of 1925, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the Committee Sub-

stitute do pass in lieu of the Original Senate Bill No. 127 and be printed.

Respectfully,  
STONE of Washington,  
Chairman.

Senator Hardin, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 495, A bill to be entitled "An Act providing for traveling expenses of County Commissioners of certain counties; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

#### Address of Governor O'Daniel

On motion of Senator Brownlee and by unanimous consent, the following address of Governor W. Lee O'Daniel, delivered at Washington - on - the - Brazos on March 2, 1939, was ordered printed in the Journal:

"Ladies and Gentlemen: Assembled as we are here today to do honor to those wise forefathers who assembled on this very spot 103 years ago today, gives to me a feeling of assurance and devotion which I hope to convey to all who are listening. I have always been keenly interested in history and the fundamentals of Government, but as you all know, I have not heretofore had actual experience in administering the affairs of State.

"When, by your generous votes, you elevated me to the high position of honor as Governor of this grand and glorious State I immediately commenced an intensive study of Government as it is carried on in what we call these modern times, and to my astonishment I discovered that 'trick and fancy' methods had become intertwined in the practical administration of State affairs, and many things were being done to accomplish certain

aims of individuals who had been elected or appointed to Government service, such as trading this favor for that, or withholding this duty in retaliation of that act. I do not believe the framers of our Constitution intended that Government should be run on a horse-trading basis, so instead, I decided to stick to the intent of the Constitution and endeavor to carry out my duties in the manner prescribed by that document, and this I expect to continue to do.

"Reverting to these fundamental principles may cause some confusion for a while, but already I can see a ray of accomplishment shining through and I am confident that the fundamental principles of action layed down by our forefathers were sound and by following those principles we will best serve the interests of the citizens of this State.

"On this occasion it is proper that we forget for a time the many pressing details of government and direct our attention to some of the fundamentals, some of those things which constitute the foundation stones, upon which not only the government of the State of Texas, but all democratic governments rest. The Texas Declaration of Independence was a statement of the desires and aspirations of our forefathers—to build in Texas a government which would endure—a government which would serve as a means of aiding all of our citizens to live happy and more useful lives, and upon this fundamental declaration of principles, the Constitution which is now the fundamental law of this State was written, and adopted by the people.

"We do not have time here to discuss all of the different phases of the Constitution of Texas or of the Bill of Rights, which is a part of that document, but it is timely as a basis of our thoughts today to go back to this document and read again some of the great fundamental principles stated therein. Section 2, Article 1 of the Constitution of the State of Texas expresses this fact:

"All political power is inherent in the people and all free governments are founded on their authority and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government and subject to this limitation only, they have at all times the inalienable right to alter, reform, or abolish their gov-

ernment in such manner as they may think expedient."

"Certainly the English language could not express in more forceful terms the belief in the inherent right of the people to create and control government. Surely words could not express in a more determined manner the fact that government is instituted for the benefit of the people. Certainly it could not have been made clearer that the people have the right to amend this Constitution and change it in any manner that they may deem expedient.

"So strong is this belief stated in that paragraph that it even goes so far as to say that so long as the people maintain a republican form of government that they have the right to abolish this government in such manner as they may think expedient.

"If this provision of the Texas Constitution has any meaning, it certainly is that if the government is to endure it must be responsive to the will of the masses of the people, when properly expressed.

"If we need further evidence of the determination of the framers of the Constitution to set up a representative government where the rights of the people could be made known, we find it in Section 27 of Article 1 of the Constitution which says:

"The citizens shall have the right in a peaceful manner, to assemble together for their common good; and to apply to those invested with the powers of government for redress of grievances, or other purposes, by petition, address or remonstrance."

"This Constitution under which we live has set out definitely the purposes which the Government of the State of Texas is designed to accomplish and then it prescribed the method whereby the citizens are to elect their public officials, and in the Section which I have just quoted, guarantees to these same citizens the right to petition to their representative, to their Governor and to their other public officials, expressing their desires and demanding that the Government carry out in a constitutional manner the will of the people.

"If government is to endure, it must at all times be responsive to the will of the people, when that will is expressed in a constitutional manner. If government is to endure, the people must respect their government. If they are to respect their government, then they must also respect the indi-

viduals who govern. When you destroy in the mind of the masses of the people their respect for those who constitute the membership of the Legislature of the State of Texas, those who constitute the Judiciary of this State, those who constitute the Executive Department of this State—then you have gone a long way in destroying their confidence in government itself. Those who serve in public places should at all times be willing to have an honest appraisal made of the public service rendered. The political coward who is afraid to face honest, intelligent criticism has no place in the service of the citizens of this State. The framers of the Constitution of this State sought to guarantee to the citizens the fullest opportunity to know whether or not those whom they had elected to public office were fulfilling as they should the public trust imposed upon them.

"Section 8 of Article 1 of the Texas Constitution carries this provision:

"'Every person shall be at liberty to speak, write, or publish his own opinions on any subject.'

"This clause of the Constitution is a guarantee of Freedom of the Press. It is a guarantee that the Press shall always have the fullest latitude in reporting to the people acts of their public servants. But right here it is well to note that for every privilege which the government grants, honest sincere patriotism demands that those to whom the privilege is granted assume a corresponding obligation and the obligation which the Press of this State has to its citizens is to give to them the facts and not propaganda.

"In order that there may at all times be full freedom of discussion of proposed legislation, Section 21 of Article 3 of the Constitution of the State of Texas provides that no member of the Legislature shall be questioned in any other place for words spoken in debate in either House, and again, it seems to follow logically that with this privilege also goes a responsibility and that responsibility is that in return for this constitutional protection which comes to the members of the House and Senate, it is appropriate to guard jealously the purpose expressed in the Constitution by being temperate in discussion of public questions and exercising extreme care that at no time this privilege is abused. There is no place under the Constitution of Texas,

insofar as government is concerned for class prejudice.

"The Constitution of this State is designed to protect the rights of all of our citizens, both the rich and the poor. Society has no greater enemy than the demagogue who would have you believe that all of the poor are good and all of the rich are bad, for in this land of ours, honesty, integrity, industry and patriotism are common virtues which may be possessed, and in fact which are possessed by all classes of our citizens alike. Texas has become great and democratic government has survived because we find these virtues in the humblest of homes as well as in the palaces of the wealthy.

"The forefathers who wrote the Declaration of Independence of this State; those statesmen who built upon this Declaration of Independence the present Constitution, realized that the powers of government would be best exercised if each of the three coordinate branches of government stayed within its respective field. The Constitution provides that the Governor as Chief Executive of the State shall in written messages propose such legislation as, in his judgment, will best serve the interests of the people. It then places the responsibility of enacting or not enacting the legislation upon the legislative branch of the government, and upon the courts the responsibility of performing the judicial functions of government; to the end that each of these departments of government respect the constitutional rights of the other departments, and by so doing will serve the best interests of the people.

"Going back again to Section 2 of Article 1 of the Constitution where it states:

"'All political power is inherent in the people' where it guarantees to the people the right to reform their government as they may think expedient, we must be impressed that while the Constitution of this State is a fundamental document, it was the purpose of the framers of this Constitution that it be subjected to such changes from time to time as was necessary in order that the broad general purpose of the welfare of the people might be best served. This means that the last amendments adopted to this Constitution are just as binding on the citizenship of this State as any other portion of the Constitution. It is just as much a



sworn duty of the Governor and the members of the Legislature to carry out these recent amendments to the Constitution as it is their duty to carry out those fundamental principles contained in the Bill of Rights which form the foundation for the whole structure upon which this government rests.

"As changes in our modern industrial world have brought to us social problems, the people of this State, acting on the principles stated in the Bill of Rights that all power is inherent in the people, have so amended our Constitution as to place upon the Legislature of this State and upon the Governor of this State the responsibility for finding a satisfactory means for providing pensions for the aged who have but a few more years to live, and who are not able to adequately care for themselves. Those same sovereign voters have written into the Constitution of this State the obligation that the Legislature find the money to adequately care for dependent children, provide funds for the needy blind and retirement for the teachers of this State who have passed the day of usefulness as instructors of the youth of the land. Those who would have their public officials disregard these obligations, which are a part of the Constitution of this State need not be surprised if in doing so they endanger class hatred; a distrust for government and a loss of respect for property rights. We cannot, as representatives of the people successfully demand respect for property rights, written into the Constitution, if we deny human rights also written into this same document.

"Today, my friends, all too often, I hear this statement — 'The great natural resources of Texas were placed here by the Almighty and therefore the joint and equal property of all of our citizens' — According to our State Constitution, based on the Declaration of Independence which was written and adopted on this sacred spot 103 years ago today, and for which the blood of our forefathers was sacrificed in battle — based on those fundamentals, the natural resources of this State have become real and personal property subject to individual ownership except as otherwise provided in the Constitution — and that individual ownership is protected by every ounce of force of our established government — but may I forcefully remind all who are

interested that the same Constitution which guarantees property rights, also guarantees human rights, and if the guarantee to human rights is neglected, the mighty document, our Constitution, may become a scrap of paper — therefore let him who is clothed with power to represent the people think well before he places his own individual opinion superior to the will of the masses of the people of which no intelligent citizen can claim ignorance.

"If democratic government is to endure; if respect for the Constitution as the fundamental law of the land is to be maintained, then it must be maintained for all of the Constitution and not for a part of it. When we select a portion of the Constitution and say it should be honestly applied and disregard other portions, we lay the predicate for unsound principles of government. The people have spoken on these great questions of social security, and you may be assured that either you and I, or those who follow us, will comply with these demands. Texas is a great State. It has become great because of an honest God-fearing, intelligent citizenship; who believe in the fundamental principles of democratic government. It has become great because the Constitution of this State is written in such simple language that even a school boy can understand what it means. It has become great because Texas has been remarkably free from class prejudice and class hatred. It has been a State where public servants have had the respect of those whom they serve. It will remain great so long as these conditions are maintained, but if they are to be maintained, it means that you and I must at all times be on guard lest the demagogue and the political termite shake the faith of the great mass of the people in the honesty and integrity of their government.

"Let us resolve here today that as citizens of this great State and as public servants in whom the great masses of people have placed their trust, that we will reconsecrate ourselves to the 'fundamental' principles of democratic government as expressed in the Constitution of this State and that if, perchance, confidence of the citizens of Texas in the effectiveness of the Constitution has been shaken, that we will restore that confidence; that by our action we will

prove to the world that right and not might constitute the impelling motive which will drive us all as servants of the public to so serve that public as to prove that the Constitution of this State is to us a sacred document and that that portion of the Constitution which protects the widow and the orphan, which provides a home for the homeless, which meets the social obligations which the State owes to society, are to be made just as effective as the other portions of the Constitution which protect the millions of the rich when those millions are honestly earned."

#### Adjournment

Senator Collie moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX

##### Reports of Committees on Enrolled and on Engrossed Bills

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of The Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 96 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 161 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 42

carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 97 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 128 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 78 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

#### THIRTY-SECOND DAY

(Wednesday, March 8, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	